



DA #9

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0037

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First named inventor: Steven Gonzalo

Group Art Unit: 2876

Application Number: 09/399,415

Examiner: Daniel St Cyr

Filed: 09/20/1999

Title: Method and System for Configuring a Publicly Accessible Computer System

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

☒ small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of _____ (identify the type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

RECEIVED

MAR - 5 2003

OFFICE OF PETITIONS

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/05/2003 AHONDAF1 00000103 09399415

01 FC:2452

55.00 OP



PTO/SB/61 (10-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2-26-03
Date

Telephone
Number: (815) 434 0044

Steven Gonzalo
Signature

STEVEN GONZALO
Typed or printed name

2920 E 15th Road
Address

OTTAWA, IL 61350

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

RECEIVED

MAR - 5 2003

OFFICE OF PETITIONS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2-26-03
Date

Steven M Gonzalo
Signature

Steven M Gonzalo
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

2-26-03

Date

Steven M Gonzalo
Signature

RECEIVED
MAR - 5 2003
OFFICE OF PETITIONS

Steven M Gonzalo

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The reasons relate to the changes in ownership of the patent rights, and the inventor's misunderstanding of communications with the examiner, Mr. St Cyr. On 9/20/1999, UnionData filed patent application 09/399,415, the inventor is Steven Gonzalo, and the filing law firm is Perkins Coie. In November of 2000 UnionData sold the patent rights to eKiosk Corp. Ownership transfer papers were not filed with the Patent Office due to a right of rescission. The filing law firm was not retained by eKiosk pending notification by the USPTO that the application had reached the examination stage. On 11/21/2001 Perkins Coie indicated that they were attempting to determine the status of the application however, "it may take some time to find out because anthrax-related postal problems in the DC area." In May of 2001, eKiosk returned the rights to the application to UnionData due to pending Bankruptcy. On 11/15/2001, UnionData and the inventor, Steven Gonzalo entered into an agreement granting exclusive worldwide license to Steven Gonzalo. On 2/25/02, Perkins Coie received an Office communication concerning the application. This USPTO communication was not recieved by Gonzalo until 5/19/02. Subsequently, Gonzalo contacted the examiner, Daniel St. Cyr, as directed by the Office communication. On 6/10/02 Gonzalo recalls that Mr. St Cyr indicated the USPTO had experienced significant delays due to the 9/11 attacks and that Gonzalo should request that the response period for the Office communication be restarted. Mr. St Cyr further indicated that due to the circumstances, he saw no reason the request should be denied. On 6/10/02, Gonzalo sent, by registered mail, a letter to Mr. St Cyr requesting the time on the application be restarted. Between 8/1/02 and 12/31/02, Gonzalo made multiple calls to the examiner and left voice mail requesting a status but recieved no reply. On 10/2/02, Perkins Coie was sent a notice of abandonment. On 1/16/03, Gonzalo received a copy of the communication. In subsequent conversations, Mr. St Cyr recommended to Gonzalo that he file this application. (Please attach additional sheets if additional space is necessary)